

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12899, of "C" Street Limited Partnership, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the minimum lot area requirements (Sub-section 3301.1) to convert the subject premises to an apartment house of four units in an R-4 District at the premises 1359 "C" Street, S. E., (Square S-1039, Lot 801).

HEARING DATE: March 21, 1979

DECISION DATE: April 4, 1979

FINDINGS OF FACT:

1. The subject property is located on the southwest corner of the intersection of 14th and "C" Streets, S. E. and is in an R-4 District.
2. The subject lot is approximately 1,875 square feet in area and is improved with a two story brick structure. The improvements consist of a three unit apartment house and a store which has been vacant since 1963.
3. The applicant seeks to convert the store space to an apartment thus converting the entire structure into a four unit apartment building. There will be no enlargement of the commercial area. It will conform in size with the apartments already in existence.
4. South of this property, at 14th and "D" Streets, is a Safeway Store and a C-M-1 District. Across 14th Street from this property are row dwellings. A garden apartment complex is located across "C" Street. A C-2-A District is located along 15th Street between "D" and Independence Avenue. This strip contains a variety of small scale retail and service establishments as well as residential uses.
5. The last certificates of occupancy for the premises permitted an apartment house on the first and second floors, No. B-32089, issued November 2, 1961, and a tailor shop, pressing, dry cleaning and laundry agent with no cleaning or laundering on the premises and retail sale of wearing apparel and novelties on the first floor, No. A-30652, issued March 18, 1955.

6. The area of Lot 801 is approximately 1875 square feet. Section 3301.1 of the Zoning Regulations requires a minimum of 900 square feet of lot per dwelling unit in order to convert to an apartment building. A lot area of 3600 square feet would be required to meet the present zoning requirements.

7. The subject structure occupies eighty percent of the lot.

8. The Office of Planning and Development, by report dated March 16, 1979, recommended approval of the application. It noted that this structure has valid certificates of occupancy for an apartment building and a commercial establishment; that the use of this property for a three unit apartment building and tailor/laundry establishment could continue as a matter-of-right and to convert the premises to a flat, which would be permitted as a matter-of-right would entail significant interior and exterior alterations to this structure and would result in the loss of dwelling units. The Office of Planning and Development further noted that the conversion from a non-conforming commercial establishment to residential use is a significant decrease in use intensity. The new residential use will preclude the first floor from being used for commercial use in the future unless the zoning is changed. The Board so finds.

9. Advisory Neighborhood Commission 6-B by resolution dated March 14, 1979 voted unanimously to support the application. No reasons were stated.

10. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINIONS:

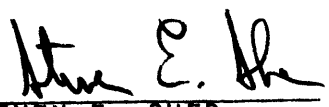
Based on the record the Board concludes that the applicant is seeking an area variance the granting of which requires a showing of a practical difficulty stemming from the property itself. In this case the Board notes that the part of the first floor of the present structure was occupied by a non-conforming commercial use and that in order to change that portion of the building to a conforming residential use, a variance is required. The Board concludes that the size of the lot and the nature of the improvements thereon constitutes a practical difficulty for the owner. As stated in the Office of Planning and Development's report this conversion from a non-conforming commercial establishment to residential use is a significant decrease in use intensity.

There was no opposition to the application and the ANC supported the application. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Chloethiel Woodard Smith and Leonard L. McCants to grant).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 10 APR 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.